

DEPARTMENT C24 LAW AND MOTION RULINGS

THE FOLLOWING ARE THE LAW AND MOTION PROCEDURES/ RULINGS FOR ORANGE COUNTY SUPERIOR COURT (DEPT. C24).

APPEARANCES:

THERE SHALL BE NO APPEARANCES OR ARGUMENT ON THE DATE THAT THE MATTER IS SCHEDULED.

OBTAINING THE TENTATIVE RULING:

TENTATIVE RULINGS ARE POSTED ON THE INTERNET AT:

<http://www.oc.ca.gov/superior/colaw.htm>

BY 3:30 PM ON THE SCHEDULED MOTION DAY. IF YOU DO NOT HAVE INTERNET ACCESS, YOU MAY TELEPHONE THE CLERK IN DEPARTMENT C24 AT 714-834-5092 FOR THE TENTATIVE RULING.

ORAL ARGUMENT:

IF ORAL ARGUMENT IS DESIRED, THE REQUESTING PARTY MUST TELEPHONE THE CLERK IN DEPARTMENT C24 (714-834-5092) AND ALSO NOTIFY OPPOSING PARTY (S) BY TELEPHONE OR FAX NO LATER THAN 4:00 PM OF THE THIRD COURT DAY (TUESDAY) AFTER THE SCHEDULED THURSDAY HEARING. THE CLERK WILL SCHEDULE ORAL ARGUMENT. NO ADDITIONAL PAPERS WILL BE ALLOWED AT THE TIME OF THE HEARING.

IF ORAL ARGUMENT IS NOT REQUESTED BY TUESDAY, THE TENTATIVE RULING WILL BECOME THE COURT'S FINAL RULING. THE PREVAILING PARTY SHALL GIVE NOTICE OR PREPARE THE ORDER IF APPROPRIATE PER CALIFORNIA RULE OF COURT 391.

NOTICE TO COUNSEL (OR OPPOSING PARTY IF NO COUNSEL)

UPON FILING A MOTION, MOVING PARTY SHALL MAIL A COPY OF THIS NOTICE TO ALL PARTIES. IF OPPOSING PARTIES APPEAR UNNECESSARILY BECAUSE OF THE FAILURE TO GIVE NOTICE OF THE ABOVE PROCEDURES, SANCTIONS MAY BE LEVIED.

DATE: 22 FEBRUARY 2001

CAL. #	CASE #	RULING

1, Advanced Database v. Pacific Data	00CC0 5265	Motion by Pacific Data for Sanctions- Granted in the amount of \$598 against Responding Party and its attorney of record , payable within 45 days. Moving Party to give Notice.
2. American Express Business v. Gem Physical Therapy	00CC1 0860	Off Calendar
3. Ataie v. Ataie	00CC1 1767	Continued to 3-9-01
4. Gafnea v. Fritz	00CC0 7527	Motion by Defendant to Stay Proceedings Pending Appeal- Grant Stay until Resolution of Appeal in Underlying Action. Set for a Status Conference in Department C24 at 9:15 AM on Friday 8 March 2002. Moving Party to give Notice.
5. General Electric Capital v. Telephony International	00CC1 1759	1.Application for Writ of Attachment by General Electric Capitol Corporation against Defendant Telephony International, Inc., a Nevada Corporation, and Defendant Telephony International of India, Inc., a California Corporation fka Telephony International Inc.- Granted as requested, bond ordered in the amount of \$7,500 as to each Defendant to be posted before issuance of Writ/Order. Moving Party prepare order and give Notice. 2. Application by General Electric for Writs of Possession against same Defendants - Denied. The declaration of Mr. Buercklin is too vague regarding when the valuation or appraisal was done.As stated in the declaration the value of this equipment may change rapidly, therefore it is important to know what the current [or as current as possible] value of this equipment is. Responding Party to give Notice.
6. Gilley v. Mitchell	00CC1 2665	Demurrer by Mitchell to the Complaint- sustained with 21 days leave to amend to clarify the late discovery and that the second surgery was to fix the problems alleged from the first surgery [if that is indeed the case]. Motion to Strike is Moot. Moving Party to give Notice.
7. Hapeman v. Cal-Rio LLC	00CC0 9854	Off Calendar

8. Nguyen v. Le	00CC0 4636	Off Calendar
9.Krausz Puente v. Sportstown	811429	Continued to 3/22/01
10. Greenlin v. Neves	00CC0 1135	<p>1. Motion by Neves for Order Compelling Further Responses to Special Interrogatories Set Five - Denied as untimely per C.C.P. § 2024(e).</p> <p>2. Motion by Neves for Order Compelling Furthers to Requests for Admissions set Three and Interrogatory 17.1- Denied as untimely per C.C.P.§ 2024(e).</p> <p>3. Motion by Neves for Order Compelling Furthers to Request for Production Set One - Denied per C.C.P.§ 2024(e).</p> <p>4. Motion by Neves for Order Compelling Furthers to Special Interrogatories Set Four- Denied as untimely per C.C.P.§ 2024(e).</p> <p>5. Motion by Neves to Bifurcate Liability- Denied. Where the financial information evidence goes to the heart of the cause of action itself as here, the C.C.§ 3295 safeguards are overcome. <u>Rawnsley v. Superior Court</u> (1986) 183 C.A.3rd 86,91; <u>Notrica v. State Comp.Ins. Fund</u> (1999) 70 C.A.4th 911,936-939.</p> <p>Responding Party to give Notice.</p>
11. Point Center v. Estate of Hudson	00CC1 5306	OSC re Appointment of Receiver and Preliminary Injunction- Oral Hearing 2/22/01 @ 3:30PM. No opposition- Tentative to Grant and Confirm Receiver and Issue P.I. On same terms as TRO.`
12. Weygand v. Evans	818398	Motion by Evans for Terminating Sanctions- Continued to 3/29/01 for proper service. The proof of service is inadequate. The POS states that Responding Party was served by mail 2-01-01. To be timely, the papers should have been served personally or the motion rescheduled. Moving Party to give Notice.
13.Transition Dynamics v. Data Systems	00CC0 4748	Continued to 3/22/01

14. Kish v. Baker	00CC0 3413	<p>Motion by Baker to Compel Thomas Cermak to Produce Documents is Denied.</p> <p>There has been no subpoena issued to Mr. Cermak whereby the Court can order Mr. Cermak to produce anything. Mr. Cermak is not a party to the within action and no Demand for Production has been made. If a subpoena had been issued to Mr. Cermak describing the documents to be produced, then the Court could lawfully consider the request, but there is nothing whereby the Court can within the constraints of due process order Mr. Cermak to “produce” anything. The documents should have been subpoenaed. Moving Party provides no authority for the requested order.</p> <p>Moving Party to give Notice.</p>